SHRI YASHWANT SINHA: The Prime Minister should not ...*(Interruptions)*...

श्री सभापतिः माननीय सदस्य, आप एक मिनट के लिए बैठ जाइए ....(**व्यवधान**).... देखिए, कई दिनों से क्वेश्चन आवर नहीं चल रहा है । मैं आपसे यह निवेदन करना चाहता हूं। क्वेश्चन आवर के लिए मैंम्बर्स की कितनी मेहनत लगती है, सरकार की कितनी मेहनत लगती है। ऐसी स्थिति में आप क्वेश्चन आवर चलने दीजिए, क्वेश्चन आवर के बाद अगर आप बोलना चाहेंगे, तब मैं एलाऊ कर दूंगा ....(**व्यवधान**)...

श्रीमती सुषमा स्वराजः सभापति जी, हम बिल्कुल क्वेश्चन आवर चलने देंगे। आप अगर हमसे अपील कर रहे हैं तो हम क्वेश्चन आवर बिल्कुल चलने देंगे ....(**व्यवधान**)... लेकिन प्रधान मंत्री जी बैठें ....(**व्यवधान**)... हम उनके सामने ही अपनी बात कहना चाहते हैं ....(**व्यवधान**)...

श्री सभापति : ठीक है , ठीक है, आप बैठिए ....(**व्यवधान**)...

श्रीमति सुषमा स्वराजः सर, आप इतना तो सुनिश्चित करिए कि प्रश्नकाल के बाद प्रधानमंत्री जी यहां बैठेंगे, हम यह बात प्रधान मंत्री के रूबरू कहना चाहते है ....(**व्यवधान**)...

श्री सभापति : मैं देखता हूं ....(**व्यवधान**)... आप बैठ जाइए ....(**व्यवधान**)...

श्रीमती सुषमा स्वराजः हम प्रश्नकाल के बाद इस बाद को इसलिए लेना चाहते हैं कि उस समय प्रधान मंत्री बैठें ....(**व्यवधान**)... सभापति जी, आप इतना सुनिश्चित कर दें ....(**व्यवधान**)... प्रश्न काल के बाद 10 मिनट प्रधान मंत्री जी बैठेंगे ....(**व्यवधान**)... सर, क्या यह ऐश्योरेंस हैं ....(**व्यवधान**)...

श्री सभापति : ठीक है, आपने कह दिया ....(**व्यवधान**)... ठीक है....(**व्यवधान**)...क्वेश्चन 241

Implementation of CAS in metro cities

*241. SHRI MAHENDRA MOHAN: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether it is a fact that recently, a final decision has been taken to implement the Conditional Access System in Delhi, Kolkata and Mumbai;

(b) if so, the details of the plan drawn up, including arrangements made for supply of Set Top Boxes, and the present status of its implementation; and

(c) the steps taken to launch any awareness campaign on the benefits of the CAS available to the consumers?

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYARANJAN DASMUNSI): (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) Yes, Sir. CAS has been notified on 31st July, 2006 for implementation in parts of Delhi, Mumbai and Kolkata, and the entire Chennai metropolitan area by 31st December, 2006.

(b) *Vide* this Ministry's GSR 452 (E) dated 31.7.2006 revised CAS Scheme has been notified under new rules 9 to 15 of Cable Television Network Rules, 1994. The amended rules and notification mentioned in (a) above are available on this Ministry's website www.mib.nic.in. The amended rules give the detailed scheme for implementation, roles assigned to various stakeholders, activity-wise time schedule, supply and installation of Set Top Boxes, safeguards to protect consumer interest amongst others. The notification and the time schedule are annexed. (Statement-I and II). (See below)

(c) As provided in rule 12 of the amended rules a public awareness campaign among the subscribers in the notified areas will be launched for a period of thirty days from the date to be specified by Telecom Regulatory Authority of India (TRAI), by the multi-system operators and may also include TRAI, the authorized offices or consumer organizations etc. The objective is to make the consumers aware of *a-la-carte* subscription rates for pay channels, rental scheme for Set Top Boxes, basic service tier, quality of service standards, subscriber management system, and dispute resolution arrangements among others.

Statement-I

NOTIFICATION OF THE MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 31st July, 2006

G.S.R. 452(E).—In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 22 of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995), the Central Government hereby makes the following rules further to amend the Cable Television

Networks Rules, 1994, namely:—

1. Short title and commencement.—(1) These rules may be called the Cable Television Networks (Second Amendment) Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Cable Television Networks Rules, 1994, (hereinafter referred to as the principal rules), in rule 2,—

(i) Clause (a) shall be renumbered as clause (aaaa) and before clause (a) as so renumbered, the following clause shall be inserted, namely:—

"(a) "Act" means the Cable Television Networks (Regulation) Act, 1995 (7 of 1995);".

(aa) "Authority" means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

"(aaa) "Broadcaster" means any person including an individual, group of persons, public or body corporate, firm or any organization or body who or which is providing programming services and includes his or her authorized distribution agencies,"

(ii) after clause (e), the following clauses shall be inserted, namely:—

"(ee) "Multi-System Operator (MSO)" means a cable operator who receives a programming service from a broadcaster or his authorized agencies and re-transmits the same or transmits his own programming service for simultaneous reception either by multiple subscribers directly or through one or more local cable operators (LCOs), and includes his authorized distribution agencies by whatever name called;

"(eee) "Notified area" means any area notified by the Central Government under section 4A of the Act;"

2. In the Principal rules, in rule 7, after sub-rule (10), the following shall be inserted, namely:—

"(11) No programme shall carry advertisements exceeding twelve minutes per hour, which may include up to ten minutes per hour of commercial advertisements, and up to two minutes per hour of a channel's self-promotional programmes."

3. (i) in the principal rules, for rules 9, 10, 11, 12, 13 and 14, the following rules shall be substituted, namely:—

"9. **Standard interconnection agreements, tariffs and quality of service standards for the service providers in the areas notified under section 4A of the Act.**—The Authority may, on issue of any notification under section 4A of the Act by the Central Government, take appropriate decisions on the following aspects and duly notify the—

(a) standard interconnection agreement to be used for entering into commercial agreements for distribution in the notified areas, of pay or free-to-air channels among (i) broadcasters and multi-system operators; and (ii) multi-system operators and local cable operators;

(b) the maximum limits of security deposit and monthly rental for supply, maintenance and servicing of set top boxes of prescribed specifications to the subscribers on rental basis by multi-system operators in the notified areas;

(c) tariff for the basic service tier along with the minimum number of free-to-air channels to be provided by the multi-system operators or local cable operators to the subscribers in the notified areas;

(d) regulations for quality of service to be provided by the multi-system operators or local cable operators to the subscribers in the notified areas;

10. Nature and prices of channels.—(1) Every broadcaster shall declare the nature of each of its channels as 'Pay' or 'free-to-air' channel as well as the maximum retail price of each of its 'pay' channels to be charged by the multi-system operators or local cable operators from the subscribers in each of the notified areas.

(2) Every broadcaster shall file his declaration of the nature and prices of channels under sub-rule (1) before the Authority and the Central Government within fifteen days of the date of notification by the Central Government under section 4A of the Act.

(3) If in the opinion of the Authority, the price declared by the broadcaster in respect of any of its pay channels is too high, the Authority may, under section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), fix and declare the maximum retail price of such a pay channel or fix a general maximum retail price for all pay channels within which the broadcasters may declare their individual prices for each pay channel, to be paid by the subscribers in any of the notified areas, and such an order of the Authority shall be binding on the broadcasters and the multi-system operators and local cable operators.

(4) Every broadcaster shall enter into interconnection agreements with multi-system operators in the notified areas as per the standard interconnection agreement, or with any mutually agreed modifications on a non-discriminatory basis, as per the regulations or directions or orders of the Authority.

(5) If a broadcaster fails to declare the price of any of its pay channels within the prescribed time limit under sub-rule (2) of refuses or fails to comply with the direction under sub-rule (3) of refuses or fails to enter into an interconnect agreement with a multi-system operator permitted by the Central Government under sub-rule (3) of rule 11 within the time limit as prescribed by the Authority, then the Authority may, so as to protect the interests of the subscribers, take interim measures to ensure supply of signals.

(6) In the event of non-compliance by the broadcaster of the directions issued by the Authority under sub-rule (5), the Central Government may, on the recommendations of the Authority, suspend the permission granted to the broadcaster under uplinking or downlinking guidelines as the case may be, to broadcast that channel in the country or any part thereof.

(7) Every declaration filed by the broadcaster under sub-rule (1) or maximum retail price fixed by the Authority under sub-rule (3) shall normally remain valid for a period of one year from the date of such declaration or fixation, as the case may be, subject to the condition

that every broadcaster will be free to revise the price of any channel or convert a pay channel to free-to-air or a free-to-air channel to a pay channel by giving one month's notice to the multi-system operator and subscribers:

Provided that no increase in price beyond the individual limit, if any, specified by the Authority, shall be valid without prior approval of the Authority.

Provided further that no such price increase shall be valid beyond the general maximum retail price for all channels fixed by the Authority.

11. Grant of permission to multi-system operators to provide cable services with addressable systems in the notified areas:—(1) No multi-system operator shall provide cable television network services with addressable systems in any one for more notified areas without a valid permission from the Central Government under sub-rule (3) of rule 11.

(2) Every multi-system operator who desires to provide cable television network services with addressable systems in any of the notified areas, shall within thirty days of the issue of the notifications under section 4A of the Act by the Central Government, apply for permission to the Ministry of Information and Broadcasting in Form 6 annexed to these rules, alongwith processing fee of rupees ten thousand.

(3) The Ministry of Information and Broadcasting in the Government of India shall, within thirty days of the receipt of the application, grant, or refuse, permission to the applicant to provide addressable systems in the notified areas after considering its suitability or otherwise on the basis of information given in respect of its existing operators area, actual number of subscribers and addresses of its local cable operators in each of the notified areas, commercial arrangements with the broadcasters and local cable operators, if any, financial strength, management capability, security clearance and preparedness to supply and maintain adequate number of set top boxes for its subscribers, installation of its subscriber management system and compliance with all other quality of service standards as may be specified by the Authority.

(4) The Central Government may lay down such terms and conditions of permission under sub-rule (3) as may be deemed necessary and desirable to ensure compliance with the provisions of this Act and the regulations, directions and orders made by the Authority.

(5) No multi-system operator shall continue to provide any cable television network services in the notified areas after the date notified therein, without obtaining prior permission from the Central Government.

(6) In the event of a multi-system operator who fall or refuses to enter into an interconnection agreement with a broadcaster of a pay channel or an adequate number of local cable operators in the notified areas or who violate the terms and conditions of the permission granted to it under sub-rule (3), within the time limit as prescribed by the Authority, the Authority may, so as to protect the interests of the subscribers, take interim measures to ensure supply of signals.

(7) In the event of violation by a multi-system operator of one or more of the terms and conditions of the permission granted under sub-rule (3), the Central Government may suspend or revoke such permission for such period and for such notified areas as it deems fit.

Provided that no such order of suspension or revocation shall be made without giving reasonable opportunity to the multi-system operator to explain its position.

12. Public awareness campaign about Conditional Access System Scheme— (1) Every multi-system operator granted permission under sub-rule (3) of rule 11 shall create public awareness among the subscribers in the notified areas for a period of thirty days from the date to be specified by the Authority, either through advertisements in the print and electronic media or through other means *(e.g.* leaflets, printing on the reverse of the receipts, personal visits, group meetings with subscribers or consumer groups etc.) the salient features of the Conditional Access System scheme

as approved by the Authority for implementation, by the multi system operator, in the notified areas, and in particular the following:—

(a) *A-la-carte* subscription rates and the periodic intervals at which such subscriptions are payable for receiving the various pay channels;

(b) The refundable security deposit and the daily or monthly rental payable for the set-top box and its detailed specifications such as make, model, technical specifications, user manuals and maintenance centres etc;

(c) The number and names of free-to-air channels that the multi-system operator will provide to the subscribers and specific placement of each channel in the prime or non-prime bands;

(d) The prescribed monthly service charge to be paid by each subscriber for receiving the basic service tier fixed by the Authority and the number of additional free-to-air channels, if any, offered by the Multi-System Operator.

(e) The Quality of Service Standards specified by the Authority and the arrangements made by the Multi-System Operator to comply with these standards;

(f) The Subscriber Management System established by the multi-system operator to demonstrate the functioning of the Set Top Boxes and interact with the subscribers to explain the various financial, logistic and technical aspects of the system for its smooth implementation;

(g) The subsisting arrangements for resolution of disputes between the multi-system operator and local cable operators and the subscribers in respect of the quality of service standards, payments and refunds etc.

(2) The Authority may also arrange public awareness activities in the notified areas either directly or through authorized officers or consumer organizations etc.

13. Supply and Installation of Set Top Boxes:—(1) Every subscriber in the notified areas who desires to receive one or more pay channles shall, during the public awareness campaign under rule 12 or within fifteen days after its expiry, apply to any one of the

multi-system operators granted permission under sub-rule (3) of rule 11 either directly or through any of his linked local cable operators, to supply and install one or more set top boxes in his premises as per the scheme approved by the Authority and deliver the requisite channels through the same:

Provided that every subscriber shall be free to buy a Set Top Box of approved quality from the open market, if available and technically compatible with the multi-system operator's system, and no multi-system operator or cable operator shall force any subscriber to buy or to take on rent the set top box from him only.

(2) Every subscriber in the notified areas who desires to receive one or more pay channels, and who failed to apply within the period prescribed under sub-rule (1) may at any time either buy a set top box of approved quality from the open market, if available and technically compatible with the multi-system operator's system, or apply to any one of the multi-system operators granted permission under sub-rule (3) of rule 11 either directly or through any of his linked local cable operators, to supply and install one or more set top boxes in his premises as per the scheme approved by the Authority and deliver the requisite channels through the same or through the set top box of approved quality acquired by the applicant on his own, as the case may be.

(3) Every multi-system operator shall procure, supply and install the required number of set top boxes of approved quality in the premises of every applicant under sub-rule (1) or sub-rule (2) within a period as may be determined by regulation or order by the Authority from the date of receipt of such application, and transmit the requisite pay channels through the same or through the set top box of approved quality acquired by the applicant On his own, as the case may be.

(4) Every multi-system operator shall set up and operationalise its subscriber management system within a time frame as may be determined by regulation or order by the Authority, for ensuring efficient and error-free service to the subscribers by recording and providing individualized preferences for pay channels, billing cycles, refunds etc.

(5) In the event of the failure of any multi-system operator to supply and install a set top box each in the premises of one or more applicants under sub-rule (1) or to operationalise subscriber management system within the time limit as determined by regulation or order by the Authority,

then the Authority may, so as to protect the interests of the subscribers, take interim measures to ensure supply of signals.

14. Dispute Resolution Mechanism — Every multi-system operator shall be obliged to maintain the quality of service as per the standards, including the arrangements for handling complaints and redressal of grievances of the subscribers, as may be determined by regulation or order by the Authority. The Authority may look into efficacy of such arrangements and issue necessary directions to the concerned parties for compliance.

15. Transition to addressable systems. — (1) Immediately on operationalisation of the subscriber management system and the installation of the set top boxes under rule 13, every multi-system operator shall start transmitting the pay channels in encrypted as well as unencrypted form for a period of not less than fifteen days to test out the quality of service, remove any technical or operational snags and enable the subscribers to become familiar with the operation of addressable systems at their end.

(2) Before the start of the transition period under sub-rule (1), the Authority may call for progress or compliance reports from the service providers in the Forms appended to these rules, and at intervals, as may be specified by it to satisfy itself that all the multi-system operators permitted under sub-rule (3) of rule 11 have completed all the necessary arrangements to switch over to transmission of pay channels through addressable systems in the whole of the notified areas by the date notified by the Central Government under section 4A of the Act.

(3) In the event of satisfactory completion of all arrangements, every multi-system operator in the notified area shall start transmitting pay channels only through addressable systems from the date notified by the Central Government under section 4A of the Act.

(4) In the event of the Authority coming to a conclusion that the arrangements made by the multi-system operators are not adequate and the switch over to transmission of pay channels through addressable systems is likely to be against the interests of a substantial portion of the subscribers in any notified area, the Authority may recommend to the Central Government an extension of the notified date by such period as in its opinion is the minimum required for the satisfactory completion of the necessary arrangements by the multi-system operators.

(5) On receipt of a recommendation from the Authority under sub-fule (4), and before the expiry of the notified date, the Central Government may, if it is satisfied that it is not in public interest to switch over to addressable systems on the notified date and that circumstances so warrant to extend the notified date to protect the interests of a substantial portion of subscribers in the notified area, issue another notification indicating the revised date under section 4A of the Act.

Provided that the power to issue notification in respect of the areas already notified by the Government of India in the Ministry of Information and Broadcasting under section 4A of the Act *vide* number S.O. 792 (E) dated the 10th July, 2003 shall be subject to the orders and final outcome of the LPA No. 985/2006 & CMs 6660/2006 and 6658/2006 pending in the High Court of Delhi.

(6) Every multi-system operator shall complete the remaining arrangements within such extended period and start transmitting the pay channels only through addressable systems from such revised date as notified under sub-rule (5)."

(ii) In the Principal rules, for Form 6, the following Form shall be substituted, namely:—

"Form 6

[See rule 11 (2)]

(To be submitted in duplicate)

Form of application for grant of permission to multi system operators to provide cable television network services with addressable system in any one or more Notified Area.

To

The Secretary
Ministry of Information and Broadcasting,
'A' Wing, Shastri Bhawan,
New Delhi-110001.

Subject: Application for grant of permission to multi system operators to provide cable television network services with addressable system in any or more notified areas.

Sir,

I hereby submit the following details for grant of permission.

1. (a) Name of Applicant (individual/firm/company/association of persons/body of individuals)**

   (b) Age/Date of establishment/Date of Incorporation

2. (a) Nationality (for individual applicants/body of individuals) (b) By birth/domicile

3. Details of payment of Processing Fee

4. Details of Registration as a Cable Operator

   (a) Name of the Post Office with which registered

   (b) Registration No./Validity up to

   (c) Copy of the Registration Certificate (enclose)

5. Complete Postal Address with Telephone/Fax No./E-mail ID

   (a) Corporate Office/Head Office

   (b) Registered Office

   (c) Regional Offices

   (d) Address of Correspondence

6. Name of authorized contact person, his designation and telephone/Fax No./E-mail ID

7. 'Registration detail under Companies Act, 1956: Incorporation No. and Date (Attach a copy of Certificate of Incorporation and Memorandum and Article of Associations)

8. *Board of Directors (Attach list of Directors along with bio-data of each Director giving date of birth, place of birth parentage, nationality, permanent address, residential address, official address, passport No. (if any), qualification, experience, etc.

9. *Attach list of key executives including CEO/MD along with details as in 8 above.

10. *(i) Authorized Share Capital, (ii) Paid-up Share Capital, (iii) Net worth (enclose a copy of the audited Balance Sheet and Profit and Loss Account for the immediate preceding year and certificate of Net Worth on the basis of these documents by a Chartered Accountant).

11. Details of availability/arrangement of funds (sufficient proof to be enclosed).

12. (i) Present Area of Operation (if in more than one city, city-wise details to be given).

    (ii) CAS notified Area or Areas proposed to be covered by the applicant (if in more than one city, then city-wise details should be given).

13. No. of channels being provided in unencrypted form (own/ broadcasters') (give names separately for own channels and broadcasters' channels).

14. Other value added services being provided (details along with their copies of licenses).

15. Total no. of each of local cable operators and subscribers covered (attach list of local cable operators with their telephone nos./fax nos./E-mail IDs and the number of subscribers each of the cable operators has with him).

16. Details of past experience/field of activity.

17. Preparedness to supply and maintain adequate number of Set Top Boxes for the subscribers and installation of subscriber management system (give details to substantiate your claim including no. of Set Top Boxes already available/orders placed/ network of authorized persons/agents to supply and provide after sales service).

18. Number of Agreements signed with broadcasters to supply their channels under CAS scheme (Give names of broadcasters and their channels for which agreements signed along with copies of agreements to substantiate your claim).

19. What arrangements have been made/proposed to be made to give wide publicity to CAS scheme in each of the notified areas, as approved by the Authority (Give full details).

I/We ..... , the applicant(s) "(individual/firm/ company/association of persons/body of individuals) do hereby declare that the above facts are correct in all respects.

I/We hereby undertake to abide by all the conditions/directions/ orders that the Central Government or the Authority may lay down/issue for the smooth implementation and operation of CAS scheme in the notified areas.

Signature of Applicant/Authorized person
**(individual/firm/company/association
of persons/body of individuals)

Place ..... Name .....

Date..... Address .....

* To be given in case applicant is a Company/Firm

** Score out the word or words which are not applicable"

[F. No. 9/16/2004-BP&L(Vol. IV)]
N. BAIJENDRA KUMAR, Jt. Secy.

Foot Note: The Principal rules were published *vide* number G.S.R. 729 (E), dated the 29th September, 1994 in the Gazette of India. These were subsequently amended, *vide:—*

(i) GSR 459 (E) dated the 8th October, 1996

(ii) GSR 710 (E) dated the 8th September, 2000

(iii) GSR 459 (E) dated the 6th June, 2003

(iv) GSR 715 (E) dated the 8th September, 2003

(v) GSR 282 (E) dated the 11th May, 2006.

Statement-II

Time-frame for implementation of CAS in notified areas

N	Sequence of Activities	Action by	Activity completion Date	Required time	Cumulative Time from 19.7.06
1.	Issue of Notification under Section 4A to specify CAS areas as defined in 10.7.03 notification	Ministry of I & B	31st July	Two Weeks	Two Weeks
2.	Amendment of Cable Rules to notify Revised Scheme	Ministry of I & B	31st July	Two Weeks	Two Weeks
3.	(a) Finalization of Standard Interconnection Agreement; (b) Declaration of MRPs on a-la-carte basis by Broad casters and tariff fixation by TRAI; (c) Fixing of Maximum security deposit and monthly rental for Set Top Box; (d) Fix Basic service charge for FTA channels; (e) Notify Quality of Service Standards for cable operators	TRAI /	31st August	Six Weeks	Six Weeks
4.	Conclusion of commercial agreements between broadcasters and MSOs and between MSOs and LCOs	MSOs/ LCOs	30th September	Four Weeks	Ten Weeks
5.	Authorization of MSOs to operate under CAS scheme in notified areas by Central Government	Central Government and MSOs/ LCOs	30th September	Four Weeks	Ten Weeks
6.	Public Awareness Campaign to explain CAS scheme and channels prices/STBs rentals/security deposit	MSOs/ LCOs	31st October	Four Weeks	Fourteen Weeks
7.	Subscribers apply for STBs and choose pay channels by paying security deposits etc.	Subscri-bers and LCOs/ MSOs	15th November	Two Weeks	Sixteen Weeks

N	. Sequence of Activities	Action by	Activity completion 19.7.06	Required time	Cumulative Time from Date
8.	Procurement, supply and installation of STBs by MSOs/LCOs	MSOs/ LCOs	15th December	Four Weeks	Twenty Weeks
9.	Transition time to run encrypted and un-encrypted channels and switching off Pay channel signals in unencrypted format	Broadca-sters/ MSOs/ LCOs	31 st December 2006	Two Weeks	Twenty Two Weeks

SHRI MAHENDRA MOHAN: Sir, I would like to put my first supplementary about clause 2. As per clause 2 of the Notification, a cap of 12 minutes of advertisements per hour is sought to be implemented, I would like to know: Is this limit applicable to both FTA (Free to Air) channels and the pay channels? This is my first supplementary.

SHRI PRIYARANJAN DASMUNSI: Sir, so far as the concern of the hon. Member on clause 2 is concerned, yes, it had been decided for both. However, more details shall have to be examined by the TRAI and the deadline of examining it is up to 31st August.

SHRI MAHENDRA MOHAN: My second supplementary is this. As per Rule 10 under clause 3 of the Notification, broadcasters have to declare the individual prices and the nature of their channels for CAS implementation. With regard to above, I would like to know whether there would be any provision for bouquet of channels? If, 'yes', how would the prices be worked out? Will broadcasters be free to fix the price, or will another body fix a maximum or minimum limit to avoid exploitation of consumers as is being done today by cable operators who are charging hefty amounts from channels and also from the viewers?

SHRI PRIYARANJAN DASMUNSI: Sir, before the CAS regulation came into force, excepting some parts of Chennai, the pay channels, on their own, used to decide certain prices without any regulatory mechanism and that used to be offered to the MSOs, and MSOs and cable operators taking their advantage in that and considering the paying capacity of the subscriber, did charge from time to time and there were no correct regulations. Accordingly, we have taken a decision that the pay channels,

in so far as CAS application cases are concerned, will have to determine the price in complete negotiation with the parameter of TRAI, and TRAI made it abundantly clear to us in a declaration that by 31st August, if we apply the CAS in the metro cities partly, they will determine the price, and after the price is determined, it will be transparently known to cable operators and everyone who will take the CAS facilities in parts of metropolitan areas.

SHRIMATI S.G. INDIRA: Sir, according to a Supreme Court judgement of 1995 on 'ad views', the diversity of opinion was essential to enable the citizen to arrive at developed opinions and could not be provided by a medium controlled by a monopoly, be it of the State or any individual or group or organisations. But, there is a media operator in Tamil Nadu called Sumangali Cables, which neither bothers about the above judgement, nor it allows the other cable operators in Tamil Nadu to function. There are so many problems in the cable operations, like cutting of cables, etc. It is happening in Tamil Nadu. Therefore, I would like to know from the hon. Minister whether the Government is considering to prevent cross-media policy to ensure equality and fairness in cable operations.

SHRI PRIYARANJAN DASMUNSI: Sir, in so far as Sumangala TV is concemed-hon. Member mentioned it—the detailed facts are not available with me at the moment. I will ascertain the position. However, I would like to say, Sir, that the question is linked with CAS and CAS implementation as per the latest judgement of the Court. I can only inform the hon. Member that the entire aspect of CAS regulations includes cable operators' obligatidn and MSO's obligation. All are being transparently assessed by TRAI and after 31st of August, I will be in a position to spell out where the things stand and how we will regulate.

SHRI V. NARAYANASAMY: Hon. Chairman, Sir the hon. Minister has said about four metropolitan cities. Now, the concern is about other State capitals and implementation of CAS in the entire country because the hon. Minister also said that it would be regulated as far as the pay channels are concerned. Have they got a time-frame for implementing the CAS throughout the country? If yes, what is the time limit that has been fixed by the Government?

SHRI PRIYARANJAN DASMUNSI: Sir, in so far as the time-frame is concerned, I would like to inform the hon. Member through you, Sir,

that CAS matters came out first in this country during the NDA regime. It was aimed to have its operation in the metro cities of the country-Kolkata, Mumbai, Chennai, Delhi, etc., and that too, on partly basis because the Set-Top Boxes were on the way to be imported. Therefore, there is a divided house in the entire country. One section of people felt that we did not need to have CAS. One section of people felt that we needed to have CAS. Sir, after that, various stakeholders went to the Court. At the end, only in Madras High Court, during April, 2004, a judgement came to stay the whole notification and therefore, in part of Chennai city, CAS is applicable.

SHRI N. JOTHI: What steps have you taken?

SHRI PRIYARANJAN DASMUNSI: Let me conclude ...*(Interruptions)*...

MR. CHAIRMAN: Let him reply ...*(Interruptions)*...

SHRI PRIYARANJAN DASMUNSI: The problem of hon. Member is that he doesn't believe in a sentence to be completed. I want to complete the sentence first. And, thereafter, there was a permanent and absolute stay by the High Court ...*(Interruptions)*...

SHRI N. JOTHI: Did you appeal on that?

SHRI PRIYARANJAN DASMUNSI: At that time, it was the Government in which you clamoured for many years. They did not go in for an appeal ...*(Interruptions)*...

MR. CHAIRMAN: Please, don't disturb.

SHRI PRIYARANJAN DASMUNSI: It is no question of scoring points ...*(Interruptions)*...

Sir, thereafter, there was an absolute stay. I would like to inform the hon. Member. This information is not with him. Another stakeholder went to the Delhi High Court asking why the Government should not do it in all the metro cities in one go. We said that we were not prepared; a lot of infrastructure support was required; a lot of technicalities had to be addressed. We have to address the subscriber that they do not charge more than what is now at the moment. In spite of that, Sir, the court, after having heard everything, gave a deadline that we have to issue the notification by 31st July and we have to implement it by 31st December. Accordingly, we have prepared the road map now. Partially in the metro

cities, after the successful operation of this thing, we can think of spreading the network a little beyond that. But, I would like to inform, through you, Sir, that the people who want to enjoy only Free-to-Air channels, they need not have Set Top Box, they need not wait for these arrangements. Only those who want to enjoy the selected pay channels, for them, it is required.

SHRI AMAR SINGH: Sir, whether it is a fact that the decision for the implementation of the Conditional Access System in the metro cities was rolled back by the NDA Government in February, 2004, in view of the large-scale opposition from the consumers on account of escalation of tariff for consumers? If so, what are the specific reasons for implementing that decision now; and in what manner, it would be cheaper for the consumers?

SHRI PRIYARANJAN DASMUNSI: Sir, at that time, there was a serious hue and cry in the nation. Some were quoting the Set Top Box prices at Rs. 5,000 or Rs. 6,000, no support to repair or maintenance. All this forced, at that time, the subscribers to be on the streets in the metro cities and the Government of that day was not feeling proper to go ahead with that. Meanwhile, the court stay came and the people went to the court. Naturally, at that time, the whole scheme got on hold. When we took over the office, we tried to examine the whole parameter, how to protect the consumer, the subscriber, by providing cheaper rate. Therefore, Sir, we applied our mind in two ways. Way one, that a subscriber who does not want to enjoy a particular channel, it is being pushed on him by the cable operators in terms of the bouquet. The subscriber may have the choice of two channels, he is forced in the bouquet of five more other channels, which he does not want to watch. Then, the Ministry - of course, the previous Government also planned like that - found two ways. Way one, how much we can increase the DTH bouquets, which can be used by the subscriber without the cable operator. 'B', whether we can plan the CAS on the direction of the court, taking some more and more time to visualise and conceptualise the campaign of awareness among the subscribers in regard to the Set Top Box, in regard to the channel they like to use and in regard to the increasing of the Free-to-Air channels. Unfortunately, when we planned this move, a few Free-to-Air channels were converted into pay channels. Even a foreign channel, the BBC World, it was a Free-to-Air channel, which got

converted into a pay channel. Then, Sir, we submitted before the court that if the pay channels get the access in the CA system and go to the subscriber's house, increasing the price, as they desire, will hit the people. So, we took two positions. Position one, the private channels or the pay channels cannot *suo motu* decide their prices without a detailed negotiation subjected to by TRAI and the deadline is 31st of August so that everybody knows transparently if I enjoy a 'y' channel, how much I have to pay. Accordingly, a subscriber will choose, I will select three channels and I will pay so much. So, it will be more transparent; and he will not be burdened with more channels.

Secondly, Sir, with regard to the consumer burden, I can assure you, with all responsibility at my command, while implementing the CAS to the pay channels, I will ensure that the price we used to pay now is not a fixed price. Now, the cable operator's collection in these areas average from Rs. 150 to Rs. 300 per month from subscribers. In our case, when it will be implemented partially in parts of the cities of Delhi, Mumbai, Chennai and Kolkata, it will be like this. 'A', if you take the Set Top Box at your house, you don't buy it. Pay a rent, a security deposit of Rs. 990 and then you pay Rs. 30 per months for the cable operator and you get the pay channels what you decide. But, the selected pay channels that you decide, those prices will be known to you only after 31st of August. We calculated it. In totality, he will pay much less than what he is paying now. But, Sir, there is a catch. The catch is that if the subscriber wants to buy the Set Top Box himself, it is up to him; but if he goes for security option and transfer the locality from South Delhi to West Delhi, then he can go to the MSO, who gave him the Set Top Box on rent, and return that box to him and take back the security deposit and go to other area and deposit it to the other MSO where his type of Set Top Box is being played. That hazard is still there. I don't deny this fact. But we can acclimatise the system properly after giving a trial for a year, and these hazards can be taken care of later on. But at the end of the day, the price to be paid by the subscriber depends on how many pay-channels he wants to watch. As I said, he should not bother about free-to-air channels. Set Top Box is not required for them.

MR. CHAIRMAN: Thank you. Next question.

SHRI N. JOTHI: Sir, in the public interest, only one supplementary.

MR. CHAIRMAN: No, I will not allow. *(Interruptions)* Question Nos. 242 and 249 will be taken up together. *(Interruptions)*

SHRI N. JOTHI: Sir, ...*(Interruptions)*

MR. CHAIRMAN: I will not allow. *(Interruptions)* Please, take your seat. Please, take your seat. *(Interruptions)* I will not allow. *(Interruptions)* Please, take your seat.

SHRI N. JOTHI: Sir, ...*(Interruptions)*

MR. CHAIRMAN: Nothing will go on record. आप बैठ जाइए। ....(**व्यवधान**)... आप बैठ जाइए। ....(**व्यवधान**)... Nothing will go on record. *(Interruptions)*

SHRI N. JOTHI: *

SHRI V. NARAYANASAMY: *

MR. CHAIRMAN: Mr. Jothi, don't disturb. आप दूसरा क्वेश्चन कर लीजिए। ....(**व्यवधान**)... अब सप्लीमेंटरी नहीं होगा। ....(**व्यवधान**)... Please, take your seat. *(Interruptions)* Don't disturb. *(Interruptions)* Question Nos. 242 and 249 are being taken up together.

ब्रिटिश जेलों में बंद भारतीयों के साथ भेदभाव

†*242. **सुश्री सुशील तिरिया**:-
श्री मोती लाल वोरा:

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत को ब्रिटिश जेलों में बंद 253 भारतीयों के इंग्लैंड से निष्कासित किये जानेकी जानकारी है;

(ख) क्या इन भारतीयों के विरूद्व आपराधिक मामलों में संलिप्त होने के आरोप है;

(ग) क्या खुली जेल में रहने वाले भारतीयों के साथ इसलिए भेदभाव किया जा रहा है क्योंकि वे ब्रिटिश मूल के नहीं है; और

*Not recorded.

$ तांराकित प्रश्न सं 242 और 249 साथ-साथ लिए गए।

† सभा में यह प्रश्न सुश्री सुशीला तिरिया द्वारा पूछा गया।